



House of Representatives

File No. 421

General Assembly

January Session, 2001

(Reprint of File No. 71)

Substitute House Bill No. 6604
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 23, 2001

AN ACT CONCERNING THE TIME TO APPEAL NOTICES OF ZONING DECISIONS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Subsection (q) of section 8-8 of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (q) In any case in which a board fails to comply with a requirement
4 of a general or special law, ordinance or regulation governing the
5 content, giving, mailing, publishing, filing or recording of any notice
6 either of a hearing or of an action taken by the board, any appeal or
7 action by an aggrieved person to set aside the decision or action taken
8 by the board on the grounds of such noncompliance shall be taken
9 [within two years of] not more than one year after the date of that
10 decision or action.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department

Municipal Impact: Potential Cost Avoidance

Explanation**State and Municipal Impact:**

The bill would result in a minor workload reduction to the Judicial Department by reducing the number of land-use commission appeals brought to the superior court. It could also result in a cost avoidance for municipalities to the extent that litigation expenses were not incurred for legal counsel and court fees. The cost avoided would vary depending upon circumstances, but is estimated to be less than \$20,000 per appeal.

Current law prescribes specific time frames for the filing of land-use commission appeals with the superior court. Appeals must be filed within fifteen, twenty, or thirty days after a decision has been rendered, approval of an application is inferred, or action taken. In addition, appeals may be filed with the superior court on the basis that improper notice was provided. The bill reduces the time frame for filing these latter types of appeals from two years to one year.

Approximately 350 appeals of land-use commission decisions are filed per year with the superior court. Most of these appeals are made within thirty days of the commissions' decision or action dates. However, some appeals (about 15-30 per year) are filed later than thirty days after the land-use commissions' decisions or actions. It is estimated that 3-5 cases would be avoided each year by reducing the period of time during which appeals can be filed. In aggregate, municipalities could avoid as much as \$100,000 in litigation costs annually.

House Amendment "A" increased the period of time during which an appeal may be filed, from six months to one year, and reduced the potential cost avoidance in the original bill.

OLR AMENDED BILL ANALYSIS

sHB 6604 (as amended by House "A")*

AN ACT CONCERNING THE TIME TO APPEAL NOTICES OF ZONING DECISIONS.**SUMMARY:**

This bill shortens, from two years to one, the time period to file certain land-use commission appeals on improper notification grounds. Appeals can address failure to comply with the notification requirements of any general statute, special act, ordinance, or regulation that governs the content, giving, mailing, publishing, filing, or recording of any notice about a hearing or a commission action.

As under current law, the time during which a party can make such appeals begins after the date of the decision or action, not the date of the notification.

*House Amendment "A" changes the time period to file appeals from six months to one year. The original bill shortened the period to appeal from two years to six months.

EFFECTIVE DATE: October 1, 2001

BOARDS, COMMISSIONS, AND OFFICERS AFFECTED

The notification appeal applies to the following municipal commissions or boards: (1) zoning, (2) planning, (3) combined planning and zoning, and (4) zoning board of appeals. It also applies to chief municipal elected officials, or their designees, when holding a hearing on illegal littering or dumping under CGS § 22a-250.

BACKGROUND***Legislative History***

On April 3, the House referred the bill to the Judiciary Committee. On April 9, the committee reported the bill favorably without changes.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report

Yea 17 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0